



General Assembly

February Session, 2012

Raised Bill No. 332

LCO No. 1727

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Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING UTILITY SERVICE TERMINATION AND THE APPOINTMENT OF A RECEIVER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 16-262c of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2012*):

4 (a) Notwithstanding any other provision of the general statutes no
5 electric, electric distribution, gas, telephone or water company, no
6 electric supplier or certified telecommunications provider, and no
7 municipal utility furnishing electric, gas, telephone or water service
8 shall cause cessation of any such service by reason of delinquency in
9 payment for such service (1) on any Friday, Saturday, Sunday, legal
10 holiday or day before any legal holiday, provided such a company,
11 electric supplier, certified telecommunications provider or municipal
12 utility may cause cessation of such service (A) to a nonresidential
13 account on a Friday which is not a legal holiday or the day before a
14 legal holiday when the business offices of the company, electric
15 supplier, certified telecommunications provider or municipal utility
16 are open to the public the succeeding Saturday, and (B) to a residential

17 account that is not a hardship case on a Friday which is not a legal
18 holiday or the day before a legal holiday when (i) the business offices
19 of the company, electric supplier, certified telecommunications
20 provider or municipal utility are open to the public the succeeding
21 Saturday, (ii) the Public Utilities Regulatory Authority has determined
22 that an adequate number of remote payment centers at which
23 customers of such company, electric supplier, certified
24 telecommunications provider or municipal utility may pay their bills
25 are open on Saturdays, and (iii) the personnel sent to effect termination
26 on such residential account on such a Friday are able to accept noncash
27 payment from the customer seeking to avoid termination, (2) at any
28 time during which the business offices of said company, electric
29 supplier, certified telecommunications provider or municipal utility
30 are not open to the public, or (3) within one hour before the closing of
31 the business offices of said company, electric supplier or municipal
32 utility.

33 Sec. 2. Section 16-262f of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective July 1, 2012*):

35 (a) As used in this section:

36 (1) "Nursing home facility" shall have the same meaning as in
37 section 19a-521; and

38 (2) "Resident care fees" means any payment made by a resident of a
39 nursing home facility, or on behalf of such resident, for such resident's
40 care or living quarters.

41 [(a)] (b) (1) Upon default of the owner, agent, lessor or manager of a
42 residential dwelling or a nursing home facility who is billed directly by
43 an electric, electric distribution, gas or telephone company or by a
44 municipal utility for electric or gas utility service furnished to such
45 building, such company or municipal utility or electric supplier
46 providing electric generation services may petition the Superior Court
47 or a judge thereof, for appointment of a receiver of the rents or

48 payments for use and occupancy or common expenses, as defined in
49 section 47-202, for any dwelling or resident care fees for any nursing
50 home facility, for which the owner, agent, lessor or manager is in
51 default. The court or judge shall forthwith issue an order to show
52 cause why a receiver should not be appointed, which shall be served
53 upon the owner, agent, lessor or manager or his agent in a manner
54 most reasonably calculated to give notice to such owner, agent, lessor
55 or manager as determined by such court or judge, including, but not
56 limited to, a posting of such order on the premises in question. Such
57 company, municipal utility or electric supplier shall not terminate
58 service to such nursing home facility for a period of sixty days after
59 filing such petition, provided such company, municipal utility or
60 electric supplier may terminate such service during such period if such
61 petition is denied.

62 (2) A hearing shall be had on such order no later than seventy-two
63 hours after its issuance or the first court day thereafter. The sole
64 purpose of such a hearing shall be to determine whether there is an
65 amount due and owing between the owner, agent, lessor or manager
66 and the company, electric supplier or municipal utility. The court shall
67 make a determination of any amount due and owing and any amount
68 so determined shall constitute a lien upon the real property of such
69 owner. A certificate of such amount may be recorded in the land
70 records of the town in which such property is located describing the
71 amount of the lien and the name of the party in default. When the
72 amount due and owing has been paid the company, electric supplier
73 or municipality shall issue a certificate discharging the lien and shall
74 file the certificate in the land records of the town in which such lien
75 was recorded.

76 (3) The receiver appointed by the court shall collect all rents or
77 payments for use and occupancy or common expenses or resident care
78 fees forthcoming from or paid on behalf of the occupants or residents
79 of the building or facility in question in place of the owner, agent,
80 lessor, manager or administrator.

81 (4) The receiver shall pay the petitioner or other supplier, from such
 82 rents or payments for use and occupancy or common expenses or
 83 resident care fees, for electric, gas, telephone, water or heating oil
 84 supplied on and after the date of his appointment. The owner, agent,
 85 lessor or manager shall be liable for such reasonable fees and costs
 86 determined by the court to be due the receiver, which fees and costs
 87 may be recovered from the rents or payments for use and occupancy
 88 under the control of the receiver, provided no such fees or costs shall
 89 be recovered until after payment for current electric, gas, telephone
 90 and water service and heating oil deliveries has been made. The
 91 owner, agent, lessor or manager shall be liable to the petitioner for
 92 reasonable attorney's fees and costs incurred by the petitioner,
 93 provided no such fees or costs shall be recovered until after payment
 94 for current electric, gas, telephone and water service and heating oil
 95 deliveries has been made and after payments of reasonable fees and
 96 costs to the receiver. Any moneys from rental payments or payments
 97 for use and occupancy or common expenses or resident care fees
 98 remaining after payment for current electric, gas, telephone and water
 99 service or heating oil deliveries, and after payment for reasonable costs
 100 and fees to the receiver, and after payment to the petitioner for
 101 reasonable attorney's fees and costs, shall be applied to any arrearage
 102 found by the court to be due and owing the company, electric supplier
 103 or municipal utility from the owner, agent, lessor or manager for
 104 service provided such building. Any moneys remaining thereafter
 105 shall be turned over to the owner, agent, lessor or manager. The court
 106 may order an accounting to be made at such times as it determines to
 107 be just, reasonable, and necessary.

108 [(b)] (c) Any receivership established pursuant to subsection [(a)] (b)
 109 of this section shall be terminated by the court upon its finding that the
 110 arrearage which was the subject of the original petition has been
 111 satisfied, or that all occupants have agreed to assume liability in their
 112 own names for prospective service supplied by the petitioner, or that
 113 the building has been sold and the new owner has assumed liability
 114 for prospective service supplied by the petitioner.

115 [(c)] (d) Nothing in this section shall be construed to prevent the
 116 petitioner from pursuing any other action or remedy at law or equity
 117 that it may have against the owner, agent, lessor or manager.

118 [(d)] (e) Any owner, agent, lessor or manager who collects or
 119 attempts to collect any rent or payment for use and occupancy from
 120 any occupant of a building subject to an order appointing a receiver
 121 shall be found, after due notice and hearing, to be in contempt of court.

122 [(e)] (f) If a proceeding is initiated pursuant to sections 47a-14a to
 123 47a-14h, inclusive, or sections 47a-56 to 47a-56i, inclusive, or if a
 124 receiver of rents is appointed pursuant to chapter 735a or pursuant to
 125 any other action involving the making of repairs to residential rental
 126 property under court supervision, rent or use and occupancy
 127 payments shall be made pursuant to such proceeding or action
 128 without regard to whether such proceeding or action is initiated before
 129 or after a receivership is established under this section, and such
 130 proceeding or action shall take priority over a receivership established
 131 under this section in regard to expenditure of such rent or use and
 132 occupancy payments.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	16-262c(a)
Sec. 2	<i>July 1, 2012</i>	16-262f

Statement of Purpose:

To permit utility termination on certain Fridays and to allow utility companies to seek appointment of a receiver for certain nursing home facilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]